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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 JAMES ANTHONY DAVIS,
13 Petitioner,
14 v.
15 D.W. NEVEN, et al.,
16 Respondents.

Case No. 2:15-cv-01574-RFB-NJK

**MOTION FOR EXTENSION OF TIME
TO FILE AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

(Third Request)

17 Petitioner James Anthony Davis moves this Court for an extension of time of
18 90 days from February 26, 2017 to, and including, May 26, 2017, to file an Amended
19 Petition for Writ of Habeas Corpus. This motion is based on the attached points and
20 authorities and the record in this case.

21 Dated this 27th day of February, 2017.

22 Respectfully submitted,

23 RENE L. VALLADARES
24 Federal Public Defender

25 /s/ Amelia L. Bizzaro
26 AMELIA L. BIZZARO
Assistant Federal Public Defender

POINTS AND AUTHORITIES

1. On January 26, 2017, undersigned counsel filed an unopposed motion to extend the time for filing his amended petition by 120 days until May 26, 2017. *See* ECF No. 18.

2. On January 30, 2017, this Court granted that motion. *See* ECF No. 19 at 3. However, on February 8, 2017, this Court entered a separate order resolving several prior motions and *pro se* pleadings that had been filed in the case. *See* ECF No. 20. In the course of doing so, this Court granted a preceding motion to extend and gave Davis until February 26, 2017 (not May 26, 2017) to file his amended petition.

Id.

3. Because this Court's January 30, 2017 Order preceded its February 8, 2017 order, Davis was concerned that the February 8 order may have overwritten the January 30 Order. Out of abundance of caution, he files this motion re-requesting the May 26, 2017 deadline for filing an amended petition for all of the same reasons articulated on January 26, 2017. *See* ECF No. 18.

4. For the reasons above, as well as the record in this case, Davis asks this Court to grant his request for an extension of time to file the amended petition and order the amended petition to be filed on or before May 26, 2017.

Dated this 27th day of February, 2017.

Respectfully submitted,

IT IS SO ORDERED:

RENE L. VALLADARES
Federal Public Defender

RICHARD F. BOULWARE, II
United States District Judge
DATED this 13th day of March , 2017

/s/ Amelia L. Bizzaro
AMELIA L. BIZZARO
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include Deputy Attorney General Shane S. Chesney.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing documents by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

James Anthony Davis
No. 81111
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender,
District of Nevada